

**REMARKS/ARGUMENTS**

Claims 19-50 are currently pending in this application.

**Claim Rejections - 35 USC § 103(a)**

**Claims 19-24**

Claims 19, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0090934 (Cha et al., hereinafter referred to as Cha) in view of U.S. Patent Application Publication No. 2005/0107106 (Valkealahti et al., hereinafter referred to as Valkealahti). Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of U.S. Patent Application Publication No. 2005/0117553 (Wang et al., hereinafter referred to as Wang).

Claim 19 recites a method of providing high speed downlink packet access (HSDPA) services. The method comprises receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot. Furthermore, the method comprises transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period.

The Examiner asserts that Cha discloses transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period. However, the Examiner contradicts his assertion by conceding that Cha does not disclose receiving at least

one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels. Thus, the feedback signal cannot be generated unless the at least one control signal is received.

Furthermore, upon reviewing the portions of Cha cited by the Examiner (i.e., paragraphs [0019] and [0025]), the Applicants assume that the Examiner is comparing a status signal disclosed by Cha to the feedback signal recited by claim 19. However, this does not read on the invention of claim 19, since the status signal disclosed by Cha comprises one or more measurements associated by the same device that transmits the status signal (i.e., a base station) and thus the status signal is not a feedback signal that feeds back the results of measurements of the power of at least one allocated timeslot that is indicated by at least one received control signal.

The Examiner further asserts that Valkealahti discloses setting a maximum transmission power limit for the high speed downlink shared channel (HS-DSCH) of a cell. However, the Examiner fails to show where Valkealahti teaches or suggests receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels.

The Examiner concludes by asserting that it would have been obvious to one of skill in the art at the time of the invention to modify Cha, such that at least one control signal is received indicating at least one maximum allowed HSDPA transmit power level, without presenting any support for this feature in either of Valkealahti and Cha. Thus, the Applicants can only conclude that the Examiner's rejection is based on hindsight of the Applicants' claimed invention.

Claims 20 and 21 are dependent upon claim 19, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Claim 22 recites a base station comprising a receiver and a transmitter that perform the same functions as recited in claim 19. Thus, the Applicants submit that claim 22 is allowable for the same reasons provided above. Furthermore, the Applicants note that the Examiner fails to indicate in the Office Action where the cited references teach or suggest the receiver and the transmitter in the base station of claim 22.

Claims 23 and 24 are dependent upon claim 22, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Based on the arguments presented above, the withdrawal of the rejections of claims 19-24 under 35 U.S.C. §103(a) is respectfully requested.

#### Claims 25-34

Claims 25, 27, 29, 30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of U.S. Patent Application Publication No. 2004/0097253 (Malkamaki) and U.S. Patent Application Publication No. 2003/0210660 (Wiberg et al., hereinafter referred to as Wiberg). Claims 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of Wang. Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of U.S. Patent Application Publication No. 2005/0083977 (Moulsley et al. hereinafter referred to as Moulsley). The Applicants note that the Examiner fails to discuss the teachings of Valkealahti anywhere in the rejection of claims 25-34, and thus believes that Valkealahti was cited in error.

Claim 25 recites a method of providing high speed downlink packet access (HSDPA) services. The method comprises receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs) allocated for the usage of HSDPA channels, wherein the HSDPA transmit power level of each allocated TTI is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot. Furthermore, the method comprises transmitting at least one feedback signal indicating the results of measurements of the power of at least one of the allocated TTIs during a predetermined time period.

Previously, with regard to claims 19 and 22, the Examiner conceded that Cha does not disclose receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level. However, for claims 25 and 30, the Examiner asserts that paragraphs [0027]-[0029] of Cha disclose this feature. The Applicants respectfully disagree. The portion of Cha cited by the Examiner discloses a base station that receives an initial allocation of transmit power between dedicated channels and HSDPA services, after which the base station monitors the utilization of the transmit power and then transmits a status signal including resource measurement information. Cha fails to teach or suggest receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs) allocated for the usage of HSDPA channels. The portions of Cha cited by the Examiner fail to address a control signal that indicates a maximum power level of any kind, or a control signal that indicates allocated TTIs. Furthermore, none of Valkealahti, Malkamaki and Wiberg teach or suggest receiving at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs) allocated for the usage of HSDPA channels. The Applicants

note that the Examiner discusses features taught by Malkamaki and Wiberg that are not directly applicable to the language used in the claims. For example, the claims do not recite a frequency division duplex cell having sets of TTIs, or power control transmission using total power allocated for all channels.

Claims 26-29 are dependent upon claim 25, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Claim 30 recites a base station comprising a receiver and a transmitter that perform the same steps as recited in claim 25. Thus, the Applicants submit that claim 30 is allowable for the same reasons provided above. Furthermore, the Applicants note that the Examiner failed to indicate where the cited references teach or suggest the receiver and the transmitter in the base station of claim 30.

Claims 31-34 are dependent upon claim 30, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Based on the arguments presented above, the withdrawal of the rejections of claims 25-34 under 35 U.S.C. §103(a) is respectfully requested.

#### Claims 35-40

Claims 35, 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha in view of Valkealahti. Claims 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of Wang.

Claim 35 recites a method of providing high speed downlink packet access (HSDPA) services. The method comprises transmitting at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels, wherein the HSDPA transmit power level of each allocated timeslot is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot.

Furthermore, the method comprises receiving at least one feedback signal indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period.

The Examiner asserts that Cha discloses transmitting at least one feedback signal (note that claim 35 recites that the at least one feedback signal is received, not transmitted) indicating the results of measurements of the power of at least one of the allocated timeslots during a predetermined time period. However, the Examiner contradicts his assertion by conceding that Cha does not disclose receiving at least one control signal (note that claim 35 recites that the at least one control signal is transmitted, not received) indicating at least one maximum allowed HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels. Thus, the feedback signal cannot be generated unless the at least one control signal is transmitted.

Furthermore, upon reviewing the portions of Cha cited by the Examiner (i.e., paragraphs [0019] and [0025]), the Applicants assume that the Examiner is comparing a status signal disclosed by Cha to the feedback signal recited by claim 35. However, this does not read on the invention of claim 35, since the status signal disclosed by Cha comprises one or more measurements associated by the same device that transmits the status signal (i.e., a base station) and thus the status signal is not a feedback signal that feeds back the results of measurements of the power of at least one allocated timeslot that is indicated by at least one transmitted control signal.

The Examiner further asserts that Valkealahti discloses setting a maximum transmission power limit for the high speed downlink shared channel (HS-DSCH) of a cell. However, the Examiner fails to show where Valkealahti teaches or suggests transmitting at least one control signal indicating at least one maximum allowed

HSDPA transmit power level and a plurality of timeslots allocated for the usage of HSDPA channels.

The Examiner concludes by asserting that it would have been obvious to one of skill in the art at the time of the invention to modify Cha, such that at least one control signal is received (note that claim 35 recites that the at least one control signal is transmitted, not received) indicating at least one maximum allowed HSDPA transmit power level, without presenting any support for this feature in either of Valkealahti and Cha. Thus, the Applicants can only conclude that the Examiner's rejection is based on hindsight of the Applicants' claimed invention.

Claims 36 and 37 are dependent upon claim 35, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Claim 38 recites a radio network controller (RNC) comprising a transmitter and a receiver that perform the same functions as recited in claim 35. Thus, the Applicants submit that claim 38 is allowable for the same reasons provided above. Furthermore, the Applicants note that the Examiner fails to indicate in the Office Action where the cited references teach or suggest the transmitter and the receiver in the RNC of claim 38.

Claims 39 and 40 are dependent upon claim 38, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Based on the arguments presented above, the withdrawal of the rejections of claims 35-40 under 35 U.S.C. §103(a) is respectfully requested.

#### Claims 41-50

Claims 41, 43, 45, 46, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of Malkamaki and Wiberg. Claims 42 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and

Valkealahti in view of Wang. Claims 44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha and Valkealahti in view of Mousley. The Applicants note that the Examiner fails to discuss the teachings of Valkealahti anywhere in the rejection of claims 41-50, and thus believes that Valkealahti was cited in error.

Claim 41 recites a method of providing high speed downlink packet access (HSDPA) services. The method comprises transmitting at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs) allocated for the usage of HSDPA channels, wherein the HSDPA transmit power level of each allocated TTI is not allowed to exceed a maximum allowed HSDPA transmit power level indicated for the allocated timeslot. Furthermore, the method comprises receiving at least one feedback signal indicating the results of measurements of the power of at least one of the allocated TTIs during a predetermined time period.

Previously, with regard to claims 35 and 38, the Examiner conceded that Cha does not disclose receiving at least one control signal (note that claims 35 and 38 recite that the at least one control signal is transmitted, not received) indicating at least one maximum allowed HSDPA transmit power level. However, for claims 41 and 46, the Examiner asserts that paragraphs [0027]-[0029] of Cha disclose this feature. The Applicants respectfully disagree. The portion of Cha cited by the Examiner discloses a base station that receives an initial allocation of transmit power between dedicated channels and HSDPA services, after which the base station monitors the utilization of the transmit power and then transmits a status signal including resource measurement information. Cha fails to teach or suggest transmitting at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs)



allocated for the usage of HSDPA channels. The portions of Cha cited by the Examiner fail to address a control signal that indicates a maximum power level of any kind, or a control signal that indicates allocated TTIs. Furthermore, none of Valkealahti, Malkamaki and Wiberg teach or suggest transmitting at least one control signal indicating at least one maximum allowed HSDPA transmit power level and a plurality of transmission timing intervals (TTIs) allocated for the usage of HSDPA channels. The Applicants note that the Examiner discusses features taught by Malkamaki and Wiberg that are not directly applicable to the language used in the claims. For example, the claims do not recite a frequency division duplex cell having sets of TTIs, or power control transmission using total power allocated for all channels.

Claims 42-45 are dependent upon claim 41, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Claim 46 recites a radio network controller (RNC) comprising a transmitter and a receiver that perform the same functions as recited in claim 41. Thus, the Applicants submit that claim 46 is allowable for the same reasons provided above. Furthermore, the Applicants note that the Examiner failed to indicate where the cited references teach or suggest the transmitter and the receiver in the RNC of claim 46.

Claims 47-50 are dependent upon claim 46, which the Applicants believe are allowable over the cited references for the same reasons provided above.

Based on the arguments presented above, the withdrawal of the rejections of claims 41-50 under 35 U.S.C. §103(a) is respectfully requested.

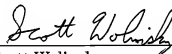
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, the Applicants respectfully submit that the present application, including claims 19-50, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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